

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38504 of 2023

Arising Out of PS. Case No.-1050 Year-2022 Thana- SITAMARHI COMPLAINT CASE
District- Sitamarhi

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Kundan Kumar Son Of Chandrika Sah @ Chandrika Prasad Resident Of
Mohalla Naya Tola Riga Road Ward No 1, PS and District - Sitamarhi
... .. Petitioner/s

Versus

1. The State of Bihar
2. Mamta Devi Wife Of Late Rahul Kumar Resident Of Village- Bedaul Adam,
Ps- Purnahiya, District- Sheohar
... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Sanjay Kumar
For the Opposite Party/s : Mr.Gauri Shankar Gupta
Mr.Krishna Murari

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CORAM: HONOURABLE MR. JUSTICE PRABHAT KUMAR SINGH
ORAL ORDER

4 09-05-2024 Heard learned counsel for the petitioner, learned
A.P.P. for the State and learned counsel for opp. party no. 2.

2. The petitioner who is husband of opposite party
No. 2, apprehends his arrest in a complaint case punishable for
the offences under Sections 498(A), 420, 406, 211/34 of the
Indian Penal Code.

3. The case of the complainant, in brief, is that her
marriage was solemnized with this petitioner on 19.04.2019 and
it is alleged that accused persons took her Rs. 4,50,000/-, which
she got from the insurance company on account of accidental
death of her first husband. Thereafter, complainant was
subjected to cruelty by this petitioner & other co-accused and
finally, she was ousted from her matrimonial home.



4. Learned counsel for the petitioner, while denying the allegations made in complaint petition, submits that the petitioner offers and undertakes that he is ready to give maintenance amount of Rs. 3,000/- per month, starting from this month, to opposite party no. 2.

5. In view of the undertaking of learned counsel for the petitioner that petitioner is ready to give maintenance amount of **Rs. 3,000/- (three thousand) per month** to the opposite party no. 2, in the event of arrest/surrender within a period of six weeks from today, let the above-named petitioner be enlarged on bail on furnishing bail bond of Rs. 10,000/- (ten thousand) with two sureties of the like amount each to the satisfaction of learned Judicial Magistrate 1st Class, Sitamarhi / concerned court in connection with Complaint Case No. - C1-1050/2022, subject to the conditions laid down under section 438(2) of the Code of Criminal Procedure as well as on the following conditions:-

- “(1) Opposite party no. 2 would file an affidavit before the court below and bring on record her savings bank account number for its communication to the petitioner.
- (2) Petitioner would deposit the aforesaid maintenance amount per month in the savings bank account of the opposite party no. 2.



- (3) In case, the petitioner fails to deposit the maintenance amount for two consecutive months, the court below would be at liberty to cancel the bail-bond.
- (4) The aforementioned payment will be subject to any order passed in matrimonial, maintenance or connected proceedings. The present order, in no way, will preclude the parties to resolve the issue otherwise.”

(Prabhat Kumar Singh, J)

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